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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,318	01/30/2002	Randolph Fowler Totten	99997.024378	7425
21967	7590	10/20/2006	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			OYEBISI, OJO O	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/058,318

Applicant(s)

TOTTEN, RANDOLPH FOWLER

Examiner

OJO O. OYEBISI

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/03/02
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Freedman et al (Freedman hereinafter, US PAT: 6,249,775).

**Re claim 1.** Freeman discloses a system for valuing financial asset services comprising: a financial asset valuation component for determining a financial asset value by adding a total amount paid in the past and a total amount payable in the future by at least one debtor to at least one creditor in connection with a single financial account (i.e., Traditionally, the decision to purchase, retain, sell or create loan portfolios demands critical analysis of the past performance of the loan portfolios under consideration. Moreover, such decisions invariably implicate assumptions and predictions as to how such loan portfolios will perform in the future. Not surprisingly, the decisions to book loans at block 14 typically depended on and required analysis and consideration by highly skilled and experienced persons having very keen and sharp analytical powers to determine the potential profitability of loan portfolios being considered, see col.6 lines 1-56, especially lines 1-10); a servicing component for

providing financial asset services by creating a service provider who is responsible for at least collection of a plurality of payments from the debtor and for making a plurality of payments to the creditor in connection with the single financial account (i.e., third party servicers, see fig.1 element 28, also see col5 lines 43-60); and a financial asset service valuation component for determining a financial asset services value as a percentage of the financial asset value (see fig.1b).

**Re claim 2.** Freeman discloses a system further comprising: a financial asset service agreement valuation component for determining a value of an agreement to perform financial asset services in exchange for the financial asset services value wherein a cost of providing financial asset services is subtracted from the financial asset services value (i.e., Banks can earn fees on servicing of loans which they either own outright or which they service on behalf of other financial institutions. This is because it is traditional in the banking industry to attribute to each loan a basic cost of servicing which is included in the interest fees charged to the customer. If a bank is able to carry out or perform these servicing tasks at a cost structure which is below the originally attributed servicing cost, see col.1 lines 45-54).

**Re claim 3.** Freeman further discloses a method for valuing financial asset services comprising the steps of: determining a financial asset value by totaling an amount paid in the past and an amount payable in the future by at least one debtor to at least one creditor in connection with a single financial account (i.e., Traditionally, the decision to purchase, retain, sell or create loan portfolios demands critical analysis of the past performance of the loan portfolios under consideration. Moreover, such decisions

invariably implicate assumptions and predictions as to how such loan portfolios will perform in the future. Not surprisingly, the decisions to book loans at block 14 typically depended on and required analysis and consideration by highly skilled and experienced persons having very keen and sharp analytical powers to determine the potential profitability of loan portfolios being considered, see col.6 lines 1-56, especially lines 1-10); creating a service provider who is responsible for at least collection of a plurality of payments from the debtor and for making a plurality of payments to the creditor (i.e., third party servicers, see fig.1 element 28, also see col.5 lines 43-60); and determining a financial asset services value as a percentage of the financial asset value (see fig.1b).

**Re claim 4.** Claim 4, though a method claim, recites similar limitations to system claim 1 supra, and thus rejected using the same art and rationale.

**Re claim 5.** Freeman further discloses the system for valuing financial asset services as wherein said financial asset is a mortgage loan (see fig.1 elements 12 and 20).

**Re claim 6.** Freedman further discloses the system for valuing a financial asset service agreement wherein said financial asset is a mortgage loan (see fig.1 elements 12 and 20).

**Re claim 7.** Freedman further discloses the method for valuing financial asset services wherein said financial asset is a mortgage loan (see fig.1 elements 12 and 20).

**Re claim 8.** Freedman further discloses the method for valuing a financial asset service agreement as claimed in claim 4 wherein said financial asset is a mortgage loan (see fig.1 elements 12 and 20).

**Re claims 9-10.** Freedman further discloses the system for valuing financial asset services wherein said financial asset is a credit card account (freeman discloses closed end loan portfolio and loan portfolio in general (see the abstract), which certainly encompasses credit card account, since a credit card account is a form of loan portfolio).

**Re claims 11-12.** Freedman further discloses the method for valuing financial asset services wherein said financial asset is a credit card account (freeman discloses closed end loan portfolio and loan portfolio in general (see the abstract), which certainly encompasses credit card account, since a credit card account is a form of loan portfolio).

**Re claim 13.** Freedman further discloses the system for valuing financial asset services wherein each of the total amount paid in the past and the total amount payable in the future by the debtor to the creditor under the single financial account includes at least a principal amount and an interest amount (i.e., Analysis of past performance of loan portfolios requires making a decision as to what constitutes a delinquent or "bad" loan, as for example for the purposes of creating a chart such as in FIG. 1A. In an embodiment of the invention which has been reduced to practice a first selection was to choose the definition of a "bad" loan. **It was chosen to represent a loan on which interest and principal payments were at least 90 days delinquent.** That is, loans which are non-accruing or non-performing for a period greater than 90 days are deemed "bad", see col.9 lines 22-32, also see col.8 lines 1-9).

**Re claim 14.** Freedman further discloses the system for valuing a financial asset service agreement wherein each of the total amount paid in the past and the total amount payable in the future by the debtor to the creditor under the single financial account includes at least a principal amount and an interest amount (i.e., Analysis of past performance of loan portfolios requires making a decision as to what constitutes a delinquent or "bad" loan, as for example for the purposes of creating a chart such as in FIG. 1A. In an embodiment of the invention which has been reduced to practice a first selection was to choose the definition of a "bad" loan. **It was chosen to represent a loan on which interest and principal payments were at least 90 days delinquent.** That is, loans which are non-accruing or non-performing for a period greater than 90 days are deemed "bad", see col.9 lines 22-32, also see col.8 lines 1-9).

**Re claim 15.** Freedman further discloses the method for valuing financial asset services wherein each of the total amount paid in the past and the total amount payable in the future by the debtor to the creditor under the single financial account includes at least a principal amount and an interest amount (i.e., Analysis of past performance of loan portfolios requires making a decision as to what constitutes a delinquent or "bad" loan, as for example for the purposes of creating a chart such as in FIG. 1A. In an embodiment of the invention which has been reduced to practice a first selection was to choose the definition of a "bad" loan. **It was chosen to represent a loan on which interest and principal payments were at least 90 days delinquent.** That is, loans which are non-accruing or non-performing for a period greater than 90 days are deemed "bad", see col.9 lines 22-32, also see col.8 lines 1-9).

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**Re claim 16.** Freedman further discloses the method for valuing a financial asset service agreement wherein each of the total amount paid in the past and the total amount payable in the future by the debtor to the creditor under the single financial account includes at least a principal amount and an interest amount (i.e., Analysis of past performance of loan portfolios requires making a decision as to what constitutes a delinquent or "bad" loan, as for example for the purposes of creating a chart such as in FIG. 1A. In an embodiment of the invention which has been reduced to practice a first selection was to choose the definition of a "bad" loan. **It was chosen to represent a loan on which interest and principal payments were at least 90 days delinquent.** That is, loans which are non-accruing or non-performing for a period greater than 90 days are deemed "bad", see col.9 lines 22-32, also see col.8 lines 1-9).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD E. CHILCOT can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER  
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